

Appl. No. 09/921,430

Amdt. dated January 17, 2008

Response to Final Office Action Mailed July 18, 2007

Remarks

This amendment is in response to the Office Action mailed July 18, 2007.

Claims 1-17 and 19 were in this application. The Examiner rejected claims 1-17 and 19.

Claims 3, 4, 6-8, 10-11, 14, 16-17 and 19 have been cancelled. Claims 1, 5, 9, 12, 13, and 15 have been amended. New matter has not been added to these claims by these amendments. Support for the amendments can be found in the claims as originally filed. Claims 1, 2, 5, 9, 12, 13, and 15 remain in this application.

Claim Rejections - 35 USC § 112

The Examiner objected to claims 1-8 and 11-15 under 35 USC § 112, second paragraph. In claims 1-3, the Examiner has pointed out that there is no proper antecedent support for 'said center feed body.' Claim 1 has been amended to delete 'central' and to insert therefore 'center.' Claim 3 has been cancelled. The Applicant now contends that claims 1 and 2 contain proper antecedent support for the phrase 'said center feed body.'

The Examiner has objected to claims 11, 13 and 14 and has pointed out that the claim preambles should refer to the center feed body as opposed to the impeller. Applicant has cancelled claims 11 and 14 rendering their rejection moot. Applicant has amended the preamble of claim 13 to refer to the center feed body according to claim 9.

Applicant respectfully contends that amended claims 1, 2 and 13 are now allowable and requests that the Examiner reconsider and withdraw his objections to these claims under 35 USC § 112.

Allowable Subject Matter

Applicant thanks the Examiner for indicating that claims 4, 5, 11, 12, 14, and 15 would be allowable if rewritten or amended to overcome the rejections under 35 USC § 112, second paragraph.

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35 USC §102(b) Rejection – Vifian et al. (U.S. 3,204,882)

Claims 16 and 17 were rejected under 35 USC §102(b) as being anticipated by the above cited patent.

Claims 16 and 17 have been cancelled rendering their rejection moot.

35 USC §103 (a) Rejection – Adams (US 3,058,679 in view of Bechler (US 5,029,761)

Claims 1-3, 6-10, 13 and 19 were rejected by the Examiner under 35 USC §103 (a). Claims 3, 6-8 and 19 have been canceled rendering their rejection moot. Claims 1, 2, 9 and 13 remain in this application. The Examiner contends that Adams shows an impeller with a center feed stepped body 21 that lacks wear inserts which the Examiner contends may lead to premature wear. The Examiner further contends that Bechler shows, in a similar apparatus, the use of wear inserts along a material flow path to prevent premature wear. The Examiner contends that it would have been obvious for the skilled artisan to modify Adams by providing wear inserts to prevent wear as taught by Bechler. Finally, the Examiner contends that the remaining limitations would have been obvious design choices as they solve no stated problems.

Applicant respectfully contends that Adams teaches an impact crusher that has various features to facilitate ease of assembly and changing of worn parts (see Adams at column 1, lines 7-29). Adams discloses that his invention has a distributing cone 21 which distributes crushable material entering the impact crusher and that the cone 21 may need to be replaced due to wear (see Adams, at column 2, line 59, to column 3, line 4). Applicant submits that Adams does not teach or fairly suggest the use of wear inserts on cone 21 to inhibit wear during use of the crusher.

Applicant further contends that Bechler discloses a vertical impact crusher having a circular base plate 84 and a center hub 86. Hub 86 is depicted in Figure 1 as being generally conically shaped. Hub 86 is provided with an annular ring of mounting holes 88 to enable attachment of the rotor to the shaft 16 (see Bechler, at column 3, lines 19-50). Bechler also discloses that a pair of wear plates 116 and 118 is fixed to the rotor base plate 84 and the top plate 86 (see Bechler, at column 3, lines

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51-65). Applicant respectfully points out that Bechler does teach or suggest the use of wear plates on the conical hub 86.

Applicant claims an impeller for hurling aggregate material toward anvils. The impeller comprises a table having a support plate, and a frustoconical center feed body attached to the support plate. The center feed body comprises a plurality of concentric steps containing a plurality of insert rods positioned in a plurality of bores formed in a top landing surface of each said step. Each bore has a bottom, wherein a top surface of each insert rod is positioned significantly above an adjacent one of the bore bottoms up on the next said step, whereby the insert rod top surfaces protect insert rods up on the next step from being washed out.

Applicant respectfully points out that MPEP §706.02(j) notes as follows:

To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of teachings of the references. *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985).

Applicant respectfully submits that, since Adams is devoid of teaching or suggestion concerning the use of wear inserts on a distributing cone 21, and Bechler teaches the use of wear inserts, but does not teach the use of wear inserts to protect the hub 86 in Bechler's invention, the references cited by the Examiner do not expressly or impliedly suggest the use of wear inserts to inhibit wear on a frustoconical center feed body as claimed by the Applicant. The Examiner has contended that inasmuch as the center feed body of Adams is a high travel area, it would have been obvious to one of ordinary skill in the art to modify Adams by providing wear inserts to prevent premature wear, taught as desirable by Bechler.

Applicant respectfully disagrees and contends that, since neither Adams nor Bechler teaches or suggests the use of wear inserts on the distributing cone or hub to inhibit wear, the only suggestion for combining the references as suggested by the Examiner is from the teachings of Applicant's invention, which is impermissible hindsight. Furthermore, Applicant contends that neither Adams nor Bechler teaches

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or suggests the use of a center feed body comprising a plurality of concentric steps containing a plurality of insert rods positioned in a plurality of bores formed in a top landing surface of each said step, wherein each bore has a bottom, wherein a top surface of each insert rod is positioned significantly above an adjacent one of the bore bottoms up on the next said step, whereby the insert rod top surfaces protect insert rods up on the next step from being washed out, as is now claimed by Applicant in the amended claims.

Accordingly, Applicant respectfully requests that the rejection of claims 1, 2, 9 and 13 be reconsidered and withdrawn, and that claims 1, 2, 9 and 13 be allowed.

In light of the remarks above and the current amendment of the claims, Applicant asserts that claims 1, 2, 5, 9, 12, 13 and 15 are allowable over the prior art of record.

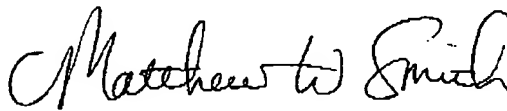
Thus, Applicant respectfully requests issuance of a Notice of Allowance indicating that claims 1, 2, 5, 9, 12, 13 and 15 are allowed. If any issue remains that could reasonably be resolved on the telephone, the Examiner is requested to telephone the undersigned in order to expedite prosecution of the application.

Petition for Extension of Time

Applicant hereby petitions for an extension of time of three months, from October 18, 2007, until January 18, 2008.

The Commissioner is hereby authorized to charge any fees; including additional filing fees required under 37 CFR 1.16 and 1.17, in connection with this submission, including the fee for the three month extension of time, to Kennametal Inc.-AMSG corporate Deposit Account No. 502832.

Respectfully submitted,



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Date: January 17, 2008